

Ronald L. Richman, SBN 139189
Joye Blanscett, SBN 191242
Bullivant Houser Bailey PC
601 California Street, Suite 1800
San Francisco, CA 94108
e-mail: ron.richman@bullivant.com
e-mail: joye.blanscett@bullivant.com
Telephone: (415) 352-2700
Facsimile: (415) 352-2701

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE LABORERS
HEALTH AND WELFARE TRUST FUND
FOR NORTHERN CALIFORNIA; BOARD OF
TRUSTEES OF THE LABORERS
VACATION-HOLIDAY TRUST FUND FOR
NORTHERN CALIFORNIA; BOARD OF
TRUSTEES OF THE LABORERS PENSION
TRUST FUND FOR NORTHERN
CALIFORNIA; and BOARD OF TRUSTEES
OF THE LABORERS TRAINING AND
RETRAINING TRUST FUND FOR
NORTHERN CALIFORNIA,

Plaintiffs,

v.

BLAIR EXCAVATING, INC., a California
corporation; et. al.

Defendants.

Case No.: C-03-5030 VRW

**PLAINTIFFS' REQUEST FOR ORDER OF
DISMISSAL; ORDER THEREON**

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1 Plaintiffs Trust Funds respectfully request that this Court issue an Order of Dismissal,
2 dismissing this action, without prejudice, as against Defendants BLAIR EXCAVATING, INC.,
3 a California corporation; and DEBORAH JEAN BLAIR, an Individual. Said dismissal is
4 sought on the grounds that Defendant Blair Excavating, Inc. has ceased business operations, and
5 Plaintiffs have been unable to locate and serve Deborah Jean Blair, who was substituted in as a
6 defendant for Victor A. Blair following his death.

7 DATED: February 20, 2007

8 BULLIVANT HOUSER BAILEY PC

9
10 By

11 
12 Joye Blanscett
13 Attorneys for Plaintiffs

14 **ORDER OF DISMISSAL**

15 Based on the foregoing and good cause appearing therefore:

16 IT IS HEREBY ORDERED that this action, in its entirety, be dismissed, without
17 prejudice, as against BLAIR EXCAVATING, INC., a California corporation; and DEBORAH
18 JEAN BLAIR, an Individual. Each side is to bear its own attorneys' fees and costs.

19 DATED: February 26, 2007

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21 By

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23 VAUGHN R. WALKER
24 UNITED STATES DISTRICT CHIEF JUDGE

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